

**REMARKS/ARGUMENTS**

Claims 1-7 are pending in the present application. By this reply, claims 4-7 have been added. Claim 1 is independent.

**Disclosure Objection**

The disclosure has been objected to for minor informalities. Thus, the specification has been reviewed and revised to correct these informalities and to clarify the invention. These changes do not add new matter. Accordingly, this objection should be withdrawn.

**Drawing Objection**

Figure 1 has been objected to because the boxes in the drawings do not have identifying labels. Accordingly, Figure 1, which includes the identifying labels, is provided herewith in the attached replacement sheet of formal drawings. Accordingly, this objection to the drawings must be withdrawn.

**Claim Objection**

Claim 3 has been objected to because of certain minor informalities. Claim 3 and other claims have been reviewed and revised to correct minor informalities and to improve their form according to U.S. practice. Accordingly, this objection should be withdrawn.

**35 U.S.C. § 103(a) Rejection**

Claims 1-3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tezuka in view of Ravishankar and further in view of Hardin. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

The Examiner alleges that Tezuka teaches the use of an interval between two sequential signals and comparing this interval to a retransmission threshold. The Examiner alleges that Tezuka's use of the interval is equivalent to Applicant's claimed interval and its use. Applicant respectfully disagrees.

Tezuka's interval of time is the time interval occurring between the instants of reception of two successive pages received by the receiver facsimile (Fig. 4(a), Fig. 4(b), col. 4 lines 49-56), once T30 negotiation is terminated and once a response has been received by the first facsimile (the transmitter) from the second facsimile (the receiver), with the result that an appropriate response between the pages is sent by the receiver.

In clear contrast, in Applicant's embodied invention, the interval is defined as taking place between the instant of transmission (by the transmitter, to the contrary of Tezuka where that instant is that of reception by the receiver) and the instant of the reception, by the transmitter, of the response transmitted by the receiver (to the contrary of Tezuka where that instant is that of the reception, by the receiver, of EOP transmitted by the transmitter). As a result, the transmitter can decide whether or not a retransmission by the

transmitter has to be done to the receiver (to the contrary of Tezuka, col. 5, lines 38-40, where the appropriate response is transmitted by the receiver to the transmitter).

Therefore, Tezuka fails to teach or suggest, *inter alia*:

determining an interval of time between said moment of reception and the expiry of said period (T) according to said moment of transmission. . .

if said interval is greater than the threshold (P), retransmitting the response of the second facsimile machine to the first facsimile machine; and

if said interval is not greater than the threshold (P), blocking the response

as recited in independent claim 1.

Furthermore, neither Ravishankar nor Hardin overcomes these deficiencies of Tezuka because Ravishankar is merely relied on for teaching a buffering means and Hardin is relied on for teaching a general mobile end system. Thus, even if the references are combinable, assuming *arguendo*, the combination of references would still fail to teach at least the above-identified features recited in independent claim 1.

Accordingly, the invention as recited in independent claim 1 and its dependent claims (due to their dependency) is patentable over the applied references, and the rejection must be withdrawn.

**New Claims**

Claims 4-7 further define the invention as recited in independent claim 1 and are thus allowable at least for the same reasons that claim 1 is allowable as discussed above.

**CONCLUSION**

For the foregoing reasons and in view of the above clarifying amendments, Applicant respectfully requests the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Applicant(s) respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a two-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$420.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit


Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASH & BIRCH, LLP

By   
Raymond C. Stewart, #21,066

P.O. Box 747  
Falls Church, VA 22032-0747  
(703) 205-8000

  
RCS/EHC:lmh  
**1368-0104P**

Attachments: Abstract of the Disclosure  
Replacement Figure 1